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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 JE HYUN KIM,

18 Defendant.
19
20

CR No.: 06-70455 EMC

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME

21 On July 21, 2006, the parties in this case appeared before the Court for a preliminary hearing.
22 At that time, the parties requested and the Court agreed to continue the hearing to August 18,
23 2006. The parties further stipulated that pursuant to Federal Rule of Criminal Procedure (FRCP)
24 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from July 21, 2006, to and including
25 August 18, 2006. The parties agree that – taking into account the public interest in prompt
26 disposition of criminal cases – good cause exists for this extension. Defendant also agrees to
27 exclude for this period of time any time limits applicable under Title 18, United States Code,
28 Section 3161. The parties represented that granting the continuance was the reasonable time

1 necessary for continuity of defense counsel and effective preparation of defense counsel, taking
2 into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also
3 agreed that the ends of justice served by granting such a continuance outweighed the best
4 interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

5 SO STIPULATED:

6 KEVIN V. RYAN
United States Attorney

8 DATED: 7/21/06

9 /s/
DEREK OWENS
Special Assistant United States Attorney

10 DATED: 7/24/06

11 /s/
STEVEN KALAR
Federal Public Defender

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13 For the reasons stated above, the Court finds that an exclusion of time from July 21, 2006, to
14 and including August 18, 2006, is warranted and that the ends of justice served by the
15 continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18
16 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would
17 deny Mr. Kim continuity of counsel and would deny defense counsel the reasonable time
18 necessary for effective preparation, taking into account the exercise of due diligence, and would
19 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

20
21 SO ORDERED.

22 DATED: 7/31/06

23 
EDWARD M. CHEN
United States Magistrate Judge